

VZCZCXRO9616  
OO RUEHBC RUEHDE RUEHDIR RUEHKUK RUEHLH RUEHPW RUEHROV  
DE RUEHRH #1568/01 2941407  
ZNY SSSSS ZZH  
O 201407Z OCT 08 ZDK  
FM AMEMBASSY RIYADH  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9376  
INFO RUEHEE/ARAB LEAGUE COLLECTIVE IMMEDIATE  
RUEHZM/GULF COOPERATION COUNCIL COLLECTIVE IMMEDIATE  
RUCNISL/ISLAMIC COLLECTIVE IMMEDIATE

S E C R E T SECTION 01 OF 02 RIYADH 001568

SIPDIS

DEPARTMENT PASS TO NEA/ARP FOR JHARRIS

E.O. 12958: DECL: 10/20/2018  
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [PTER](#) [SA](#)  
SUBJECT: SAUDI TERROR COURTS BEGIN TRIALS

Classified By: DCM David Rundell for  
reasons 1.4 (b) and (d).

11. (S) SUMMARY: On October 20, the Riyadh General Court began the long-planned prosecution of detained terrorist suspects charged with attacks inside the Kingdom, including bombings of residential compounds in Riyadh in 2003. This follows the King's approval of the appointment of ten judges to oversee the trials. The Ministry of Justice will conduct the prosecutions within the existing Saudi judicial system, but in a separate physical setting. Still unclear is the extent to which trials will be open to the public and the media. To Saudi leadership, the trials will serve the greater purpose of putting al-Qaeda's extremist ideology on trial. END SUMMARY.

-----  
TRIAL MECHANICS  
-----

12. (S/NF) For months, the Ministry of the Interior (MOI) and Ministry of Justice (MOJ) have negotiated how to proceed with the trials of hundreds of detainees held on terrorism-related charges. Delays to the process have resulted from the need for judicial appointments to Saudi Arabia's clogged court system, decisions on trial publicity, and sentencing guidelines. Ten judges, whose appointments were approved by King Abdullah, will oversee the terrorism trials. According to Al-Riyadh newspaper, the judges have been reassigned from their duties at other courts, including Riyadh's District Court and the General Court. While October 20 marks the beginning of the trial process, actual court appearances by defendants and arguments will not occur until administrative proceedings are completed, which could be several weeks.

13. (S/NF) The cases will be tried within the kingdom's existing judicial system and defendants will be provided legal counsel. MOI and MOJ originally debated establishing a special court for the trials, but it is now clear that this will not be the case. Al-Riyadh quoted anonymous sources saying that the trials will take place on the eleventh and twelfth floors (the top two floors) of the court building in central Riyadh. Press accounts emphasize that regular courts will try the cases, stressing that there will not be a "higher or lesser degree of ruling criteria." That is, that the trials will be conducted like ordinary courts, using the same standards of evidence and same sentencing guidelines as interpreted under Islamic law. However, the special location will provide added security and privacy, separating the terror defendants from those involved in less serious cases.

14. (S/NF) The judges will decide the extent to which their proceedings are open to the public, which is standard in the Saudi court system. Press reports in recent days did not mention media access to the courts, but noted that decisions will be published in the press through a statement by MOI.

MOI previously supported televising the trials, either live or tape delayed, but the MOJ, a staunchly conservative organization, was not similarly eager. In recent months the MOI argued the benefits of a public trial, for example that if a defendant denied his actions, al-Qaeda would appear weak and the prosecution could still win based on the evidence. If a defendant attempted to justify his actions on religious grounds, he could be defeated with a stronger religious argument. The SAG seeks to highlight for the public the lack of religious foundation to al-Qaeda's ideology; the manner in which this lesson will be taken from the trials and is conveyed to the public remains to be seen.

-----  
WHO WILL BE TRIED?  
-----

15. (C) The SAG has not made public which cases will be tried first. One report from The National newspaper (UAE) stated that cases would be heard in chronological order by the date of the attack. Al-Riyadh reported only that "those involved in the terrorist events that claimed the death of a large number" of people would be tried, to include "inciters of violence, individuals providing logistical support, and explosives smugglers." Embassy contacts expect the first case to focus on a group of approximately 70 detainees who are suspected of supporting the May 12, 2003, suicide attacks on three Riyadh residential compounds.

16. (S/NF) In recent months, Embassy sources indicated the MOI sought credible prosecutions in the judicial process, to build public confidence in the trials as well as alleviate

RIYADH 00001568 002 OF 002

MOI's own distrust of the judiciary. To this end MOI had expressed a plan to first prosecute the most violent, unrepentant defendants - those cases with the highest probability of a conviction. If MOI found that the courts were being soft on the defendants, they would fall back on their authority to detain terror suspects indefinitely and not forward the more ambiguous cases for trial.

-----  
COMBATING EXTREMISM  
-----

17. (C) For the SAG, one of the overarching purposes for the trials is to discredit extremist ideology. Saudi Foreign Minister Prince Saud al-Faisal commented on the trials in an October 18 meeting with the Ambassador. Prince Saud noted that the trials mark "the end of a long process." He added that the "cases are quite complete" and he "expects some stiff judgments." He noted that the SAG hopes that the trials will "sway the unswayed" on the evils of terrorism. He also credited U.S.-Saudi bilateral cooperation against terrorism, adding that this was a joint effort and he hoped that the cooperation would continue.

18. (C) Deputy Minister of Interior Mohamed bin Naif (MBN) discussed the trials in an October 18 meeting with the Ambassador and U.S. Deputy Attorney General Mark Filip. MBN explained that the trials would follow regular judicial procedure and give "no celebrity status" to the defendants. There will be no special buildings, no special procedures, and no cameras in the courts. MBN commented that this is a "public trial not just of terrorists but of al-Qaeda's image," and that the SAG does not want to give legitimacy to al-Qaeda.

-----  
COMMENT  
-----

18. (S/NF) Recent press reports provide no indication that the trials will be open to the public or the media, suggesting that MOJ won this argument. Given the choice, judges are

unlikely to expose themselves or their courts to public scrutiny. Televised trials would have been revolutionary for a court system that is essentially closed to the public. One concern about live transmission was the possibility of giving a public forum for a defendant to spout uncensored extremist ideology. Thus, any televised coverage would likely have been tape delayed and tightly edited. MBN's comment that there will be no cameras likely puts to rest the debate over media access. Saudi leaders view the trials as a means to combat extremism in the kingdom, but they prefer to control the way in which the message of the trials is presented to the public.

¶9. (S) The courts which will hear the trials are Shari'a courts, which means the authorities will have to fashion charges within the framework of Shari'a law. The worst offenders are likely to be charged with the crime of "hiraba," which includes the acts of killing innocent people and causing destruction and instability. Those with a significant planning role could be charged with the same crime. The convictions are likely to result in capital punishment, which in Saudi Arabia means a public execution by beheading.

¶10. (S/NF) The start of these trials were among a series of reverse tripwires of criteria the Embassy had devised for the return of dependents. The public announcements accompanying their start, and the leadership's determination to avoid giving the defendants special status, is a sign of the SAG's increasing confidence as it gains the upper hand in what has been a difficult and wrenching internal struggle for this country. End comment.

FRAKER